

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRISTOPHER JOHNSON,

Petitioner,

v.

JEFFREY PERKINS<sup>1</sup>,

Respondent.

CASE NO. 3:24-cv-05542-RAJ-MLP

ORDER ADOPTING REPORT  
AND RECOMMENDATION

The Court, having reviewed Petitioner's Amended Petition for Writ of Habeas Corpus, the Report and Recommendation of United States Magistrate Judge Michelle L. Peterson (Dkt. # 24), any objections thereto<sup>2</sup>, and the remaining record, hereby finds and **ORDERS** the following:

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<sup>1</sup> The State of Washington was initially listed as a Respondent but has since been terminated from this action after Petitioner filed his Amended Habeas Petition. Dkt. # 12.

<sup>2</sup> Petitioner filed objections to Judge Peterson's Report and Recommendation. Dkt. # 25. The Court reviewed the objections and finds that no objection substantively responds to Judge Peterson's legal conclusions regarding the untimeliness of the Amended Petition and equitable tolling. Petitioner incorrectly claims that *State v. Arbogast*, 199 Wn.2d 36, 506 P.3d 1238 (2022) held that his own case "was wrongly decided." Dkt. # 25 at 2. This is not so. The Washington Court of Appeals held that *Arbogast* did not announce a new rule and merely clarified existing law; accordingly, the decision did not provide grounds for collateral review of an issue it had

1 (1) The Report and Recommendation is approved and adopted. Dkt. # 24.

2 (2) Petitioner Christopher Johnson's Amended Petition for Writ of Habeas  
3 Corpus (Dkt. # 12) and this action are **DISMISSED**, with prejudice, as untimely under 28  
4 U.S.C. § 2244(d).

5 (3) In accordance with Rule 11 of the Rules Governing Section 2254 cases in the  
6 United States District Courts, a certificate of appealability is **DENIED**.

7 (4) The Clerk is directed to send copies of this Order to Petitioner, to counsel for  
8 Respondent, and to the Honorable Michelle L. Peterson.  
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11 Dated this 3rd day of September, 2025.

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14 The Honorable Richard A. Jones  
15 United States District Judge  
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22 already decided regarding Petitioner's case on direct appeal. Petitioner also believes the Court has  
23 not "hear[ed] his case[.]" *Id.* at 5. The Court has reviewed a multitude of issues in this action,  
including Petitioner's failure to pay the requisite filing fee. Petitioner continues to circumvent the  
Court's rulings and refuses to accept that both his original and amended habeas petitions contained  
procedural defects.